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Atorneys for Defendants
The Pep Boys Manny Moe & Jack of California; and
The Pep Boys – Manny, Moe & Jack

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Art Navarro, individually, and on behalf of all others similarly situated, and as an aggrieved employee pursuant to the Private Attorneys General Act of 2004,

Plaintiff.

vs.

The Pep Boys Manny Moe & Jack of California, a California Corporation, The Pep Boys - Manny, Moe & Jack, a Pennsylvania Corporation, and DOES 1-25 inclusive..

Defendants

Case No. C 07-2633 SI

NOTICE OF MOTION AND MOTION TO DISMISS

[Fed. R. Civ. Proc. 12(b)(6)]

Judge: Hon. Susan Illston
Date: September 21, 2007
Time: 9:00 a.m.
Room: 10

1 **TO THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
2 CALIFORNIA, AND TO PLAINTIFF ART NAVARRO:**

3 **PLEASE TAKE NOTICE THAT** on September 21, 2007, at 9:00 a.m., or as soon
4 thereafter as counsel may be heard in Courtroom 10 of the above-entitled Court, located at 450
5 Golden Gate Ave., San Francisco, CA 94102, pursuant to Federal Rule of Civil Procedure
6 12(b)(6), Defendants The Pep Boys Manny Moe & Jack of California and The Pep Boys –
7 Manny, Moe & Jack (“Defendants”) will and hereby do move the Court to dismiss Plaintiff’s
8 Twelfth Claim for conversion, on the grounds that Plaintiff cannot state a claim for conversion
9 based on an alleged failure to pay wages.

10 This motion is based upon this Notice, the accompanying Memorandum of Points and
11 Authorities, the pleadings and records on file herein, and on such other and further argument and
12 evidence as may be presented at the time of the hearing and all matters of which this Court may
13 take judicial notice.

14
15 Dated: July 13, 2007

MORGAN, LEWIS & BOCKIUS LLP

16
17 By


Eric Meckley
Attorneys for Defendants
The Pep Boys Manny Moe & Jack of
California; and The Pep Boys – Manny,
Moe & Jack